(1)

G/F 2001 (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 2734 /2005

PETITIONERS

1. Ghanshyam Prasad Sharma, aged about 56 years, son of Shri Kalanath Sharma, resident of Telepara Distt. Bilaspur (Chhattisgarh)

2. Purushottam Prasad Sharma, aged about 47 years, son of Shri Kalanath Sharma, resident of Bhatapara Distt. ~~Bilaspur~~ Raipur (C.G.)

P.R. No. 2962/05 Presented by Shri Ashok Sarma dated 25/6/05

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through – the Secretary, Department of Health and Family Welfare, Dau Kalyan Singh Bhawan, Mantralay, Raipur (Chhattisgarh)

2. State of Madhya Pradesh, through – the Secretary, Government of MP, Department of Health and Family Welfare, Vallabh Bhawan, Bhopal (MP)

3. The M.P. Board of Ayurvedic and Unani System of Medicine and Naturopathy Board, Madhya Pradesh Bhopal, MP, through – its Registrar.

RECEIVED COPY 21-6-05 CLERK to A. G. BILASPUR

Recd Advance Copy for R-4 Counsel for R-4

4615/05 17/6/05

(2) (4)

4. The Chhattisgarh Board of Ayurvedic and Unani System of Medicine and Naturopathy Board, Chhattisgarh, Raipur, through – Its Registrar.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(55)

आदेश पत्रक

मामला क्रमांक W.P. 2734/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4.7.2005

Shri Sanjay K Agarwal, cousne for the petitioners.

Shri P.K. Verma, Additional Advocate General for the State.

The case of the petitioners is that they are the residents of Chhattisgarh and in the year 1986-87 & 1987-88 they have acquired qualifications in Vaidya Visharad & Ayurved Ratna from Hindi Sahitya Sammelan Prayag, Allahabad, which was recognized under the M.P. Ayurvedic Unani Tatha Prakritik Chikitsa Vyavasayi Adhiniyam, 1970. Thereafter, the State Government by way of Amending Act No.28 of 89, which came into force on 4.11.1989, omitted the qualifications of Hindi Sahitya Sammelan from the list of recognized qualifications. However, as the petitioners have acquired the qualification in the year 1986-87 & 1987-88 therefore, on the basis of the certificate issued by Hindi Sahitya Sammelan they are entitled for the registration. On the same question a petition bearing M.P. No.287/90 was filed before the High Court of M.P. Bench at Indore in which the High Court has held that the students, who have acquired the said degree prior to coming into force of Amending Act No.28 of 1989, will be entitled for registration as the Amending Act was not intended to be made effective retrospectively.

Counsel for the petitioners argued that respondents are even not providing form for registration, whereas, the petitioners are entitled for registration in view of the judgment of M.P. High Court. In the circumstances, counsel for the petitioners submits that the petitioners be allowed to make a representation to respondent No.4 and respondent No.4 be directed to decide the application of the petitioners

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(56)

आदेश पत्रक

मामला क्रमांक WP 2734/05 **सन्** **200**

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-2-	

in the light of judgment rendered by M.P. High Court, to which learned Additional Advocate General for the State has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are allowed to make a representation to respondent No.4 raising all their grievances along with copy of this petition and also the copy of judgment rendered by M.P. High Court on the same issue within a period of two weeks from today and in turn, respondent No.4 is directed to consider the representation of the petitioners in the light of above judgment of M.P. High Court and decide the same in accordance with law in another one month after considering all the points raised by the petitioners.

With the direction aforesaid, the petition stands disposed of.

Consequently, I.A. No.5464/05 stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

(पीछे देखिये)